



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE  
GOVERNOR

PATRICIA W. AHO  
COMMISSIONER

Certified Mail  
Return Receipt Requested  
\*\* Urgent Legal Matter -- Your Prompt Response Required \*\*

March 19, 2015

Mr. David B. Van Slyke, Esq.  
PretiFlaherty  
P.O. Box 9546  
Portland, ME 04112-9546

Re: Second Request for Information to ATL Holdings LLC (via merger with Atlantic Holdings, LLC) for the Beal's Linen Site in Auburn, Maine

Dear Mr. Van Slyke:

Thank you for meeting with my staff on October 29<sup>th</sup> at the Portland Regional Office of the Department of Environmental Protection ("DEP") regarding ATL Holdings LLC's (via merger with Atlantic Holdings, LLC) potential liability under the *Uncontrolled Hazardous Substance Sites* law, 38 M.R.S.A. §§ 1361–1371, at the Beal's Linen Site. We appreciate your continued cooperation in this matter. After reviewing the information submitted at that meeting and on August 29, 2014, we have additional questions that we are requiring be answered by your client in accordance with 38 M.R.S.A. § 1364(3).

As we discussed, DEP has documented the presence of hazardous substances at the Beal's Linen Site located at 7 Chestnut Street in Auburn, Maine ("the Site"). The DEP has substantially completed its investigation into the source, extent and nature of the threats posed by hazardous substances at the Site and is in the process of determining appropriate remedial action. The DEP wishes to finalize the identification of Potential Responsible Parties ("PRPs") at the site, so that the PRPs can fully participate in the decision regarding the appropriate remedial response for the Site.

The *Uncontrolled Hazardous Substance Sites* law, 38 M.R.S.A. § 1362(2)(B), defines a "Responsible Party" as, among others, "[a]ny person who owned or operated the uncontrolled site from the time any hazardous substance arrived there". Our information indicates the following sequence of events. Hazardous substances arrived at the Site on or before 1985. Atlantic Holdings, LLC, a Maine limited liability company, formed on April 14, 2000, charter number 20001026DC. On June 13, 2003, Atlantic Holdings, LLC acquired the Site and on June 25, 2003 conveyed the Site to Sultan Corporation. Atlantic Holdings, LLC merged into ATL Holdings LLC, a Florida limited liability company, on December 30, 2003. ATL Holdings LLC

became authorized to transact business in Maine on January 16, 2004, and remains in good standing. On June 30, 2014, the DEP informed Atlantic Holdings, LLC and ATL Holdings LLC that they were potentially Responsible Parties at the Site and requested information. Atlantic Holdings, LLC and ATL Holdings LLC supplied the requested information on August 29, 2014. In your client's first response, it asserted that it met the lender exemption from liability under 38 M.R.S.A. § 342-B. We met on October 29, 2014 to clarify the information submitted. At this time we need further documentation that would support the lender exemption defense, among other information.

### Second Request for Information

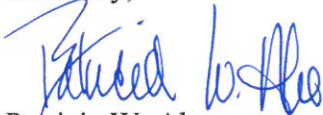
The *Uncontrolled Hazardous Substance Sites* law, 38 M.R.S.A. § 1364(3), provides in relevant part that the "commissioner may require submission of information or documents that relate or may relate to the site under investigation from any person whom the commissioner has reason to believe may be a responsible party". **Pursuant to the authority of 38 M.R.S.A. § 1364(3), the DEP is requiring Atlantic Holdings, LLC and ATL Holdings LLC to respond to the information request set forth herein.** Your response to this request must be submitted in writing to the following address within thirty (30) days from receipt of this notice:

Maine Department of Environmental Protection  
Bureau of Remediation and Waste Management  
Division of Remediation  
17 State House Station  
Augusta, Maine 04333  
Attn: David Wright, Division Director

Any questions regarding this letter should be directed to David Wright, Director of the Division of Remediation, (207) 446-4366, or Peter LaFond, Assistant Attorney General, (207) 626-8511.

Thank you for your cooperation in this matter.

Sincerely,



Patricia W. Aho  
Commissioner

CC: Melanie Loyzim, Bureau Director

Attachment

## **Second Request for Information**

Date: March 19, 2015

### **Instructions**

1. Answer all questions fully and respond to each request.
2. Include in your response a notarized affidavit from a responsible company official stating the following:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry with the person or persons who were directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. A diligent record search has been completed and there has been a diligent interviewing process with present and former employees who may have knowledge of operations, business relationships, contractual agreements, financial arrangements, chemical use, hazardous substance or waste transport, disposal, storage, treatment and/or other handling methods and locations of, such handling methods and any other knowledge of the Site and/or operations relating to this request. All information and documents responsive to the Department of Environmental Protection's Request for Information have been forwarded to the DEP. All questions and requests have been responded to fully. I am aware that there are significant penalties, including the possibility of fine and imprisonment, for non-compliance with this request or for knowingly submitting false information or tampering with the information submitted."

3. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request.
4. Precede each answer with the number of the question to which it corresponds.
5. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the DEP. Moreover, should you find, at any time after the submission of its response, that any portion of the submitted information is false or misrepresents the truth, you must notify the DEP of this fact as soon as possible and provide the DEP with a corrected response.
6. For each document produced in response to this Information Request, indicate on the document or in some other reasonable manner the number of the question to which it responds.



### Definitions

The following definitions shall apply to the following words as they appear in this Information Request:

1. The term "you" or "Respondent" of this Request means:
  - a. Atlantic Holdings, LLC, a Maine limited liability company, formed on or about April 14, 2000, charter number 20001026DC;
  - b. ATL Holdings LLC, a Florida limited liability company, that merged with Atlantic Holdings, LLC on or about December 30, 2003; and
  - c. the above entities' officers, managers, employees, contractors, trustees, partners, successors, assigns and agents.
2. The term "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, or commercial entity.
3. The terms the "Site" or the "Facility" means and includes the former location of Beal's Linen and/or Malo cleaners, now an apartment building, located on an approximately 0.6 acre parcel at the southeastern corner of the intersection of Chestnut Street and Webster Street in the City of Auburn, Maine, currently denoted as 7 Chestnut Street. The location of the Site or Facility is further identified on the City of Auburn Tax Map 250, Lot 335, and described in Book 5488, Page 202, of the Androscoggin County Registry of Deeds.
4. The term "hazardous substance" has the same definition as that contained in the *Uncontrolled Hazardous Substance Sites* law, 38 M.R.S.A. § 1362(1), and includes any mixtures of such hazardous substances with any other substances including petroleum products.
5. The term "discharge" has the same definition as that contained in 38 M.R.S.A. § 1317(1) and includes without limitation the abandonment or discharging of drums, barrels, containers and other receptacles containing any hazardous substance, pollutant or contaminant.
6. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number and present or last known home address and home telephone, number and present or last known job title, position or business.
7. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, corporate officers, if any and a brief description of its business.
8. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number (invoice or purchase order number), the identity of the author, addresser, and/or recipient and the substance or the subject matter.

Site was acquired by Atlantic Holdings, LLC on or about June 13, 2003 until it was sold on or about June 25, 2003.

11. Please provide all documents that describe the business function of Atlantic Holdings, LLC.
12. At the time Atlantic Holdings, LLC acquired the Site, did you know or have reason to know that any hazardous substance had been discharged on, in or at the Site? Describe all investigations of the Site you undertook prior to acquiring the Site and all of the facts on which you base the answer.
13. Describe the acts or omissions of any persons other than your employees, agents or those persons with whom you had a contractual relationship that may have caused or contributed to the discharge or threat of discharge of hazardous substances at the Site and damages relating therefrom and identify such persons. In addition:
  - a. Describe all precautions that you took against foreseeable acts or omissions of any such third parties and the consequences that could foreseeably result from such acts or omissions; and
  - b. Describe the care you exercised with respect to the hazardous substances found at the Site.
14. Identify and submit copies of all insurance policies held by Respondent that may cover any costs, expenses or damages arising from or relating to the discharge or threatened discharge of hazardous substances at the Site. In addition:
  - a. Identify the insured person;
  - b. State the amount of coverage under each policy;
  - c. State the commencement and expiration dates for each policy;
  - d. Describe all efforts taken by Respondent to obtain coverage and/or defense of claims;
  - e. Describe the positions taken by the insurance companies or representatives with respect to such coverage or defense.

End of 2nd Request for Information



### Questions

1. Identify the Respondent.
2. Identify the person(s) answering these questions on behalf of Respondent.
3. For each and every question contained herein, identify all persons consulted in the preparation of the answer.
4. For each and every question contained herein, identify all documents consulted, examined or referred to in the preparation of the answer or that contain information responsive to the question and provide true and accurate copies of all such documents.
5. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents they may have.
6. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control then identify the persons from whom such information or documents may be obtained.
7. In your response to the DEP's first request for information, you asserted that Atlantic Holdings, LLC was a "financial institution" as that term is used in 38 M.R.S.A. § 1362(1-B) and that the Site was only held by Atlantic Holdings, LLC as a "security interest" in the property within the meaning of 38 M.R.S.A. § 342-B(2). Please provide all documents demonstrating that Atlantic Holdings, LLC was a financial institution during the time, June 13, 2003 to June 25, 2003, that the Site was owned by Atlantic Holdings, LLC.
8. In your response to DEP's first request for information Attachment A (the purchase and sale agreement pertaining to the site executed in May of 2003) listed Joseph Dunne as an Agent for Atlantic Holdings, LLC. Attachment D (Adjustable Rate Promissory Note dated June 25, 2003) listed Joseph Dunne as an Agent for Sultan Corporation. Please provide all documents concerning the business relationship between Joseph ("Joe") Dunne and Respondent, including, without limitation, his alleged agency relationship with Respondent.
9. Please provide all documents concerning the purchase of the Site by the respondent on or about June 13, 2003, and the sale of the Site by respondent on or about June 25, 2003, including, without limitation, all correspondence and electronic communications, including, but not limited to, the amount that the Site was purchased for on or about June 13, 2003, and the amount the site was sold for on or about June 25, 2003. This request includes, without limitation, a request for documents concerning the amount Atlantic Holdings, LLC realized from these transactions.
10. Please provide all documents demonstrating that Atlantic Holdings, LLC held a security interest in the Site, within the meaning of 38 M.R.S.A. § 342-B(2)(B), between the time the

9. The terms "document" and "documents" shall mean any object that records, stores, or presents information, either in hard copy or electronically.
10. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information that might otherwise be construed to be outside its scope.
11. The term "arrangement" means every separate contract or other agreement between two or more persons.
12. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
13. All terms not defined herein shall have their ordinary meaning unless such terms are defined in the *Maine Hazardous Waste, Septage and Solid Waste Management Act*, 38 M.R.S.A. §§ 1301 to 1319-Y, and Chapters 06-096 CMR 850-857 and 06-096 CMR 860 of the DEP's rules, in which case the statutory or regulatory definitions shall apply.